



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/662,641  
Applicant : Standing, et al.  
Filed : September 15, 2003  
  
TC/AU : 1623  
Examiner : Traviss McIntosh, III  
  
Docket No. : 06171.105097 (IDX 1021 US)

Confirmation No.: 2664

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

September 14, 2005

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action issued July 14, 2005, please enter the following amendments and consider the enclosed remarks. A petition for a one month extension of time is attached.

Remarks/Arguments begin on page 2 of this paper.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this Correspondence, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9-13/05  
Date

  
Susanne Hollinger

1.251-120

REMARKS

The Examiner required restriction of the claims to be prosecuted between Groups I-III, drawn to methods of treating a host infected with a drug-resistant strain of HBV that exhibits a mutation at codon 552 of the DNA polymerase with different classes of nucleosides; Groups IV-VI to methods of preventing or suppressing the expression of a mutation at codon 552 of the DNA polymerase region of HBV with different classes of nucleosides; Groups VI-IX to methods of preventing or suppressing the expression of a mutation at codon 552 and either 526 or 528 with different classes of nucleosides; and Groups X-XVIII, drawn to methods of Groups I-IX comprising additionally administering one or more other anti-HBV agents.

Applicants elect to pursue claims of Group I, including claims 1-4, 5 in part, 6-25 and 74-75 drawn to methods of treating a host infected with a drug-resistant strain of HBV with  $\beta$ -L-2'-deoxy-nucleosides (i.e. where X of Formula I is O or S).

The Examiner has additionally required an election of a species. Applicants elect the species depicted in claim 17 wherein R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are each hydrogen. Applicants note that this compound falls within claim 1 and that this is not a restriction to that compound.

If the Examiner determines any additional fee is required associated with this Amendment or any other paper attached hereto, the Commissioner is authorized to charge such fee to Deposit Account 11-0980.

Respectfully submitted,

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